

EASTERN DISTRICT OF TEXAS

CIVIL ACTION NO. 1:10-CV-177

Defendants.

After careful consideration, the court concludes Plaintiff's objections are without merit. As the magistrate judge found, Plaintiff's complaint does not set forth allegations demonstrating he was in imminent danger of serious physical injury at the time he filed the complaint. *See Banos v. O'Guin*, 144 F.3d 883, 884 (5th Cir. 1998). Plaintiff admits he was no longer confined at the Liberty County Jail when he filed this complaint more than eighteen months after the incidents occurred. Accordingly, the complaint should be dismissed without prejudice pursuant to 28 U.S.C. § 1915(g).

ORDER

Accordingly, Plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED at Beaumont, Texas, this 16th day of December, 2010.

A handwritten signature in black ink, reading "Marcia A. Crone". The signature is written in a cursive style with a horizontal line underneath it.

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE